

# CA-COGLOBAL

Ca-Co Global Inc./The Cook Law Group  
Candice Cook  
77 Water Street, 8<sup>th</sup> Floor  
New York, New York 10005

**FOR DISPUTE RESOLUTION PURPOSES ONLY AND MAY NOT BE USED FOR ANY  
LITIGATION PURPOSE EXCEPT NOTICE**

June 22, 2013

**VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED**

Gertrude's  
Attn: Chef Doug Wetzel  
Baltimore Museum of Art  
10 Art Museum Drive  
Baltimore, MD 21218

**RE: Infringement of the Trademark Cronut**

Dear Chef Wetzel:

Dominique Ansel Bakery (the "D.A. Bakery") has registered the trademark Cronut and is also the owner and licensee of other pending trademark applications relating to the trademark Cronut. As is publically known, Dominique Ansel uses this mark in the United States and around the world in conjunction with a very specific pastry sold at his bakery located at 189 Spring Street and the trademarked term has been in use since May 10, 2013—a usage which has been extensively covered in multiple media outlets.

We have recently discovered that your business is intentionally trading on the D.A. Bakery's goodwill by using the term "croi-nut" which despite a different spelling is confusingly similar to the D.A. Bakery's trademark. Changing the spelling of the word "Cronut" when the resulting change is phonetically similar to the D.A. Bakery's trademark is a deceptive attempt to usurp the D.A. Bakery's intellectual property rights and is punishable under federal law. We assert your use infringes on the D.A. Bakery's intellectual property rights and is likely to confuse customers about the actual product that you are selling. Moreover, your bakery did not seek, nor were you granted permission for the use of the name—a request which is not only a professional courtesy, but is required by law. Your current "croi-nut" promotions

provide irrefutable evidence supporting our position that your activities are unlawful and constitute unfair competition, intentional trademark infringement, trademark dilution, and false designation of origin.

While the D.A. Bakery appreciates and is grateful for the mass appeal of Cronuts, we have made the decision to remain diligent with regards to the use of the term "Cronut" and similar names that have been crafted to confuse customers about Cronut products in order to maintain that the D.A. Bakery's trademarks are used correctly and that the source of Cronuts and the expectation of what customers receive when ordering Cronuts remains consistent.

Federal trademark law provides numerous remedies for the trademark infringement offenses you are currently engaging in including, but not limited to, preliminary and permanent injunctive relief, money damages, and where intentional infringement is shown, attorneys' fees, and treble damages. Based on your current actions, the D.A. Bakery can file a lawsuit against you seeking: (a) injunctive relief; (b) money damages; (c) compensation equal to your profits; (d) reimbursement for attorneys fees; and (e) a court order that you compensate the D.A. Bakery for damage to its goodwill.

The D.A. Bakery is sincerely appreciative that Cronuts have become popular and have found a place in the food industry while also achieving mass recognition by peers and customers. The D.A. Bakery's goals are to excel in the culinary arts, to have a meaningful contribution to innovation within the food industry, and to encourage colleagues to do the same. However, we will protect the D.A. Bakery's intellectual property rights within the industry. An expectation, as a business owner, we are hopeful that you cannot only appreciate, but respect. With that said, you must also recognize that if we allow you—and other entities like you—to utilize the D.A. Bakery's trademarked name in such a way there is a very real risk that the trademark will be weakened and the D.A. Bakery's customers deceived by the similarity in the title of the name. As a professional peer, we are hopeful that such a result is not your intention.

We assert that the D.A. Bakery has the exclusive right to use this trademark and that your use of the word "Cronut" and **confusingly similar term** "croi-nut" infringes on that exclusive right under the law. In order to resolve this matter, we ask that you cease and desist with the use of the term "Cronut" and "Croi-nut" and any similar and substantially confusing derivation thereof in describing your pastry. The D.A. Bakery's patrons have supported this very specific pastry because of its uniqueness in style, name, and trade dress, and have come to associate the Cronut with the D.A. Bakery and brand. We were surprised and disappointed that Gertrude's would seek to launch a pastry that deliberately attempts to deprive the Dominique Ansel Bakery of its rightful earnings and to confuse consumers who have very publically spent time and energy in line waiting for a very specific pastry.

Thank you in advance for respecting the rights of the D.A. Bakery by immediately removing this promotion from your website and ceasing to utilize the term "Cronut" and the similarly and substantially confusing term "Croi-nut" in your advertisements, promotions, and within your store.

We prefer to resolve this matter without taking legal action, but are prepared to file a lawsuit if necessary. **You may avoid legal action by immediately, and no later than July 1, 2013, ending your use of the term "Croi-nut" and any derivation and spelling of the word "Cronut" when describing your pastry.** This includes any uses on all social media, websites, menus, and advertisements.

This letter is written without prejudice and Dominique Ansel, the Dominique Ansel Bakery (collectively, "Clients"), and their attorneys expressly reserve all rights and remedies available under federal, state, and common law. The statements herein are made without prejudice to Clients' intellectual property rights, all of which are expressly reserved.

Sincerely,

A handwritten signature in black ink, appearing to read "Candice S. Cook". The signature is fluid and cursive, with the first name "Candice" being the most prominent part.

Candice S. Cook